

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)	Group Art Unit: 4143
)	
Komuro et al.)	Examiner: UBER, NATHAN C
)	
Serial No.: 10/501,526)	Confirmation No.: 7145
)	
Filed: 07-16-2004)	<u>REQUEST FOR CONSIDERATION OF</u>
)	<u>INFORMATION DISCLOSURE</u>
Atty. File No.: 5553KO1-1)	<u>STATEMENT SUBMITTED AUGUST 12,</u>
)	<u>2005</u>
For: Content delivery apparatus and)	
content creation method)	Electronically Submitted

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On August 12, 2005, Applicants submitted an Information Disclosure Statement (IDS) in the above-identified patent application. The Information Disclosure Statement, including a copy of the reference (containing a translated English Abstract, and a copy of the foreign office action originally citing the reference, both as previously provided on August 12, 2005), is attached hereto as Exhibit A.

The Information Disclosure Statement, including a copy of the cited reference, was hand delivered to the Patent Office on August 12, 2005. This is evidenced by a copy of the transmittal postcard which indicates that the postcard was both (i) entered into the docketer's logbook, and (ii) that the Information Disclosure Statement, including a copy of the cited reference (and translated abstract), was hand delivered to the Patent Office at 5:43pm on August 12, 2005. A copy of the postcard, with notations, is attached hereto as Exhibit B.

On October 8, 2008, the Examiner issued an Official Action for the above-identified case. The Official Action stated that the reference JP 2000-322433 (cited in the August 12, 2005 IDS) was not considered because the reference was either not submitted or was lost. A copy of the relevant page from the Official Action of October 8, 2008 is attached hereto as Exhibit C.

As evidenced by Exhibit B referred to above, a copy of reference JP 2000-322433 was submitted to the Patent Office. Therefore, JP 2000-322433 must have been lost by the Patent and Trademark Office. It is the Applicants' duty only to submit a copy of the foreign patent, not to ensure the patent is not lost by the USPTO.

Due to the fact that the reference was correctly submitted to the USPTO, with the required translation, Applicants hereby respectfully request that JP 2000-322433, be considered by the Examiner.

For the convenience of the Examiner, an clean 1449 form listing JP 2000-322433, and a copy of JP 2000-322433 including a translated English abstract, and a copy of the foreign office action originally citing the reference are enclosed herewith as Exhibit D.

Although no fees are believed due in connection with this communication, please charge any fees deemed necessary to Deposit Account No. 19-1970. If additional information is required please contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: _____

Jason H. Vick
Registration No. 45,285
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 7 Jan '09

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

First Named Inventor: KOMURO, TSUYOSHI

Art Unit: 3627

Appln. No.: 10/501,526

Examiner:

Filed: July 16, 2004

Confirmation No.: 7145

For: DEVICE AND METHOD FOR
DISTRIBUTING CONTENT, RECORDING
DISTRIBUTION LOG, AND CREATING
CONTENT

* * *

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.56, and without any assertion as to materiality or prior art effect, the document listed on the attached Form PTO/SB/08A is hereby cited.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T3736-9161US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

JHV:jab

Miles & Stockbridge P.C.
1751 Pinnacle Drive, Suite 500,
McLean, Virginia 22102-3833
(703) 903-9000

By: 

Jason H. Vick
Reg. No. 45,285

August 12, 2005

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